UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2008 (Amendment)*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-14 and 16-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-14 and 16-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/16/08*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed on April 16, 2008 has been entered. Claims 1, 2, 4-

14, 16-25 are pending. Claims 1, 4-6, 13, 16-18 and 25 are amended by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2. Claims 1, 8, 13, 20 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US

Pub. No. 2004/0078603) in view of Beeferman (US Pub. No. 2002/0156778) and in view

of Eitel (US Patent No. 7,043,521).

As per claim 1, Nelson teaches:

receiving an input from a user as a proposed password; performing an

Internet/database search using keywords derived from proposed password (entered by

the user); evaluating results of said search; rejecting said proposed password if the

verification fails; recording said proposed password as a new password if said proposed

password is not rejected [Fig. 3, col. 4 lines 53-61, col. 6 lines 16-20, Fig. 1].

Nelson teaches the proposed password verification mechanism as shown in Fig. 1. Nelson doesn't expressively mention selection of at least one topic as an input from user.

Ogura teaches:

presenting said user with a plurality of topics; receiving a user selection of at least one topic [Fig. 5, step 520-525]; receiving one or more personal details from said user associated with said at least one selected topic, as a proposed password (input from user) [Fig. 5, steps 550-555, Fig. 9 step 930].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ogura with Nelson to present various topics and receiving an input from the user based on selection of the topics, since one would have been motivated to allows the authentication of the identity of the user through the use of a primary and/or secondary authentication system [Ogura, paragraph 0006].

Further, Nelson teaches searching database using keywords based on the proposed password and verifying the proposed password as shown in Fig. 3. Ogura teaches calculating the score/rate and comparing the score/rate with the threshold [Fig. 9].

Beeferman teaches: performing an Internet search using a query containing one or more keyword derived from the input entered by the user (said details of said proposed password as disclosed by Ogura and Nelson) [Fig. 2-4, paragraph 0025, 0026, 0029].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Beeferman with Nelson and Ogura to utilize an Internet search for the keywords entered by the user, since one would have been

motivated to provide improved search result based on the keywords entered by the user [Beeferman, paragraph 0002].

Beeferman teaches the Internet search for the keywords entered by the user. Beeferman doesn't expressively mention evaluating results of the search.

Eitel teaches: evaluating results of said search relative to one or more predefined thresholds applicable to said at least one selected topic (input); rejecting said result if one or more said predefined thresholds are exceeded by said results [Fig. 3, col. 6 lines 46-60].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Eitel with Nelson, Ogura and Beeferman to evaluate the search result based on the threshold, since one would have been motivated to expedite web search for obtaining information over the Internet [Eitel, col. 2 lines 1-3].

As per claim 8, the rejection of claim 1 is incorporated and Ogura teaches said one or more personal details are related to a personal fact from a past of said user [Fig. 5, 9].

As per claims 13 and 25, they encompass limitations that are similar to limitations of claim 1. Thus, they are rejected with the same rationale applied against claim 1 above.

As per claim 20, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 8. Thus, it is rejected with the same rationale applied against claim 8 above.

3. Claims 2, 7, 11, 14. 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Beeferman (US Pub. No. 2002/0156778) in view of Eitel (US Patent No. 7,043,521) and in view of Honarvar et al (US Patent No. 7,231,657).

As per claim 2, the rejection of claim 1 is incorporated and Ogura teaches presenting said user with a plurality of topics; receiving a user selection of at least one topic [Fig. 5, step 520-525]; receiving one or more personal details from said user associated with said at least one selected topic, as a proposed password [Fig. 5, steps 550-555, Fig. 9 step 930].

Honarvar teaches receiving a reminder associated with each of said one or more personal details [Fig. 25].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honarvar with Nelson, Ogura and Beeferman and Eitel, since one would have been motivated to provide access and service to user by detecting fraud and verifying the identity using dynamically customizable system [Honarvar, col. 1 lines 21-27].

As per claim 7, the rejection of claim 1 is incorporated and Honarvar teaches:

sending said one or more personal details to said user [Fig. 25, 30].

P-Synch teaches one or more personal details to said user as reinforcement of said password [page 1, page 126].

As per claim 11, the rejection of claim 1 is incorporated and Honarvar teaches:

said one or more personal details can be tested during a verification phase using one or more of Boolean, multiple choice, numeric or textual queries [Fig. 26, 30, 31].

As per claim 14, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 2. Thus, it is rejected with the same rationale applied against claim 2 above.

As per claim 19, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 7. Thus, it is rejected with the same rationale applied against claim 7 above.

As per claim 23, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 11. Thus, it is rejected with the same rationale applied against claim 11 above.

4. Claims 4-6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No.

2004/0078603) in view of Beeferman (US Pub. No. 2002/0156778) in view of Eitel (US

Patent No. 7,043,521) and in view P-Synch Installation and Configuration Guide (May

2002).

As per claim 4, the rejection of claim 1 is incorporated and P-Synch teaches:

correlation rules are based on said at least one topic [page 124-126].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine P-Synch with Nelson, Ogura and Beeferman and

Eitel, since one would have been motivated to generate strong password [P-Synch,

page 2 lines 17-21].

As per claim 5, the rejection of claim 1 is incorporated and P-Synch teaches:

one or more predefined correlation rules ensure that answers to user selected questions

cannot be qualitatively correlated with said user [page 124 line 1, page 126].

As per claim 6, the rejection of claim 1 is incorporated and P-Synch teaches:

one or more predefined correlation rules ensure that answers to user selected questions

cannot be quantitatively correlated with said user [page 124 line 1, page 126].

As per claim 16, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 17, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.

As per claim 18, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 6. Thus, it is rejected with the same rationale applied against claim 6 above.

5. Claims 9, 10, 12, 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Beeferman (US Pub. No. 2002/0156778) and in view of Eitel (US Patent No. 7,043,521) and in view Kanevsky et al (US Patent No. 5,774,525).

As per claim 9, the rejection of claim 1 is incorporated and Ogura teaches receiving the personal detail from the user [Fig. 9].

Kanevsky teaches said one or more personal details are related to an experience of said user in connection with a public event [col. 3 lines 31-45].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kanevsky with Nelson, Ogura and Beeferman and Eitel, since one would have been motivated to provide dynamic questioning to provide secure access control [Kanevsky, col. 2 lines 7-8].

As per claim 10, the rejection of claim 1 is incorporated and Kanevsky teaches said one or more personal details are related to an experience of said user in connection with a private event [col. 3 lines 31-45].

As per claim 12, the rejection of claim 1 is incorporated and Kanevsky teaches said at least one topic is selected based on psychological insights [col. 5 lines 60-65].

As per claim 21, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 9. Thus, it is rejected with the same rationale applied against claim 9 above.

As per claim 22, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 10. Thus, it is rejected with the same rationale applied against claim 10 above.

As per claim 24, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 12. Thus, it is rejected with the same rationale applied against claim 12 above.

Response to Amendment

6. Applicant has amended claims 1, 13 and 25 which necessitated new ground of rejection. See rejection above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hurley (US 7299359) – Apparatus and Method for indicating password quality and variety

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

NBP
6/30/08
/KimYen Vu/

Supervisory Patent Examiner, Art Unit 2135